

EXHIBIT 1

TO

PLAINTIFF'S CONTROVERTING STATEMENT OF FACTS

IN RESPONSE TO

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

CLEOPATRIA MARTINEZ,)
)
Plaintiffs,) No. CV 15-01759 NVW
)
vs.)
)
MARICOPA COUNTY COMMUNITY COLLEGE)
DISTRICT, a political subdivision of)
the State, and RUFUS GLASPER and)
DEBRA GLASPER, husband and wife,)
)
Defendants.)

Miller Certified Reporting, LLC

I N D E XWITNESSPAGE

RUFUS GLASPER

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1 and then became the chief financial officer in 1995, and
2 then became the Chancellor in 2003.

3 Q. You're no longer with Maricopa, correct?

4 A. Correct. I left Maricopa Community Colleges the
5 end of February this year, 2016.

6 Q. Okay. And where do you currently work?

7 A. I work for the League of Innovation in the
8 community college.

9 Q. I'm sorry. What was that?

10 A. I work for the League For Innovation in the
11 community college.

12 Q. Oh. So, do you still work for MCCCCD?

13 A. No.

14 Q. The League -- oh. I'm sorry. That's the name
15 for it?

16 A. The League For Innovation, it's a non-profit
17 organization.

18 Q. All right. Let me show you what I'd like to have
19 marked as Exhibit 1.

20 (Exhibit 1 was marked for identification.)

21
22 BY MR. ROBAINA:

23 Q. Do you recognize generally that document?

24 A. Yes.

25 Q. And what is it?

1 A. It's Residential Faculty Policy Manual for
2 2012-'13.

3 Q. All right. Will you take a look at page 52?

4 MR. UPPAL: You said 52, right?

5 MR. ROBAINA: Yes.

6 THE WITNESS: The signature page?

7 Q. BY MR. ROBAINA: Yes, sir. This is the
8 attestation page. This agreement was ratified by the
9 Governing Board, you as Chancellor, and the representative
10 members of the faculty, correct?

11 A. Yes.

12 Q. Okay. And is it fair to say that this agreement
13 sets forth, among other things, the rights of faculty
14 members with respect to the various employment matters?

15 A. Yes.

16 Q. All right. In some places this -- this
17 Residential Faculty Policy refers to residential faculty
18 and in other places it refers just to faculty. Is there
19 any difference?

20 A. Residential -- well, residential faculty and
21 faculty within this policy manual should be synonymous.

22 Q. Okay. Do these policies apply to service
23 faculty?

24 A. Yes.

25 Q. What is -- where are -- what is service faculty?

1 A. Those who may be working in the library or those
2 who might be counselors.

3 Q. So, like, non-teaching faculty?

4 A. Well, they may teach as well.

5 Q. Okay.

6 A. But their primary function is service.

7 Q. All right. Keep that Exhibit 1 out and then
8 let's have this one marked as Exhibit 2.

9 (Exhibit 2 was marked for identification.)

10
11 BY MR. ROBAINA:

12 Q. And then can you identify that one generally?

13 A. Generally it's the Residential Faculty Policy
14 Manual for 2013-'14.

15 Q. Can you take a look at the last two pages?

16 A. Last two of the document?

17 Q. Yes, sir.

18 This appears to be a Memorandum of
19 Understanding. In the first paragraph there or the --
20 it's number one: "The parties have entered into a

21 successor Residential Faculty Policy ratified by
22 the Faculty Association on August 16, 2013, and
23 approved by MCCCCD Governing Board on
24 September 24th, 2013, a copy of which is attached
25 hereto."

1 And I think it's your signature on the last
2 page. Do you see that?

3 A. Yes, sir.

4 Q. All right. Is this Memorandum of Understanding
5 related to the Residential Faculty Policies dated 2013 to
6 2014 and effective September 1, 2013, which is Exhibit 2?

7 A. Yes, sir. September 1st, yes.

8 Q. You'll see why in a minute I'm asking about both
9 of those copies.

10 Let me show you what I'd like to have marked as
11 Exhibit 3.

12 (Exhibit 3 was marked for identification.)

13
14 BY MR. ROBAINA:

15 Q. All right. If you would take a look, let me know
16 when you've had a chance to review that.

17 MR. UPPAL: Oh, I'm so sorry.

18 MS. MARTON: It's okay. It happens. Let me go
19 get some napkins.

20 MR. ROBAINA: I'll go grab some.

21 MS. MARTON: Do you need some more water?

22 MR. UPPAL: No, I'm good.

23 (Whereupon a brief recess is taken.)
24
25

1 MR. ROBAINA: Yes. Thank you.

2 MR. UPPAL: Okay. I know you did, I just wanted
3 the record to be clear.

4 MR. ROBAINA: Yeah, thank you. That's what I
5 meant.

6 Q. BY MR. ROBAINA: Okay. Dr. Martinez had
7 appointive status at the time she received the notice of
8 intent to dismiss her from her employment, correct?

9 A. Correct.

10 Q. Okay. And she had that still during when you
11 suspended her, correct?

12 A. Correct.

13 Q. Let me show you what --

14 MR. ROBAINA: I don't know what number we're on.

15 THE COURT REPORTER: 8.

16 Q. BY MR. ROBAINA: -- will be marked as Exhibit 8.
17 (Exhibit 8 was marked for identification.)

18

19 MR. UPPAL: That's yours.

20 Q. BY MR. ROBAINA: I'm not going to ask you too
21 many questions about this document, I just want to know --
22 you can read it. Take your time and read it if you'd
23 like.

24 A. I'm done.

25 Q. All right. Have you -- do you recognize this

1 document?

2 A. Yes.

3 Q. And did you respond to this document?

4 A. No.

5 Q. Do you know if anyone else did?

6 A. Not to my knowledge.

7 MR. ROBAINA: Let's take a quick break.

8 MR. UPPAL: Just -- how long? I'm just asking.

9 MR. ROBAINA: Oh, yeah.

10 MR. UPPAL: Ten minutes?

11 MR. ROBAINA: Great.

12 (Recess taken from 12:15 p.m. to 12:31 p.m.)

13
14 BY MR. ROBAINA:

15 Q. Going back to Exhibit 6 and the third page of
16 that exhibit, which is the February 10, 2014, notice of
17 suspension without pay. The first sentence says: "Based
18 on -- upon the attached written statement of
19 charges, I decided to suspend your employment
20 under my sole authority as Chancellor."

21 Do you see that?

22 A. Yes.

23 Q. All right. Was it your belief or your -- that
24 you did not need to -- strike that.

25 Did you seek any form of review of your decision

1 to suspend Dr. Martinez without pay from the Board?

2 A. No.

3 Q. Did you seek any authorization from the Board to
4 suspend Dr. Martinez without pay?

5 A. No.

6 Q. To your knowledge, did the Board ever make any
7 determination with regard to your suspension of Dr.
8 Martinez without pay?

9 A. Not to my knowledge.

10 Q. Are employees of MCCD who are not residential
11 faculty, are they governed by staff policy, the staff
12 policy manual?

13 A. Yes.

14 Q. Okay. So that basically applies to everyone
15 other than residential faculty?

16 A. Repeat your question.

17 Q. Staff policy -- the staff policy manual governs
18 everyone other than residential faculty?

19 A. Yes. Residential faculty have their own policy.

20 Q. Have their own, all right. Give me just one
21 second here.

22 MR. ROBAINA: That's it.